

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12697 of Sunderland Joint Venture, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 4101) to permit the use of the first floor, Suite 100, as a general office in an SP District at the premise 1906 Sunderland Place, N.W. (Square 115, Lot 802).

HEARING DATE: August 23, 1978
DECISION DATE: October 4, 1978

FINDINGS OF FACT:

1. The subject property is located on the south side of Sunderland Place, N.W., between 19th and 20th Streets. It is known as 1906 Sunderland Place, N.W. and is in an SP District.
2. The subject lot is approximately 2,011 square feet in area and is improved with a three story plus basement row structure.
3. Adjacent on the east are the rear yards of similar row dwellings which front on 19th Street, N.W. Directly across Sunderland Place from this site is the Sunderland Building, a nine story office building and the Heurich Mansion, the home of the Columbia Historical Society. Across a twelve foot alley to the rear of this property is a nine story SP office building which is currently under construction. The Sunderland apartments, a nine story building, is located at the southeastern corner of 20th Street and Sunderland Place, N.W. The remaining structures on the south side of Sunderland Place are large three story row structures which appear to hous both residential and office uses.
4. Located one block south of Dupont Circle, this site lies within a transitional area between a major business center (Connecticut Avenue) on the east and a high density residential area to the west. The SP district in which this property is located is generally bounded by Sunderland Place, 19th Street, and 20th Street between N and Que Streets, N.W. C-3-B zoning is adjacent to this SP district on the north, east and south. An R-5-B district is found west of New Hampshire Avenue and an R-5-D district is located to the south of N Street along New Hampshire Avenue.

5. The last certificate of occupancy for this property was issued for the use of the first floor of the property as a law office. No. B-103769, issued September 6, 1977).

6. The applicant is using and proposes to use one room on the first floor of the premises for the office of the National Homeowner's Association which is classified as a general office use as determined by the Zoning Administrator. The applicant has no Certificate of Occupancy for this use of the subject property.

7. The SP district permits residential uses and only certain types of office uses. Office uses in the SP district are limited to chanceries, non-profit organizations, labor unions, architects, dentists, doctors, engineers, lawyers or similar professional persons. Such uses are allowed as special exceptions and must be approved by the Board.

8. This property is rectangular in shape and exhibits no unusual or unique physical properties or other unusual conditions.

9. The applicant presented no evidence of a hardship related to the property and no evidence that the property could not reasonably be used for a purpose permitted in the SP District.

10. The Municipal Planning Office, by report dated July 12, 1978 recommended that this application be denied on the grounds that this property is not exceptionally narrow or shallow nor is it unusual in shape, and the site has no unusual topographical features nor any other extraordinary or exceptional situation or condition which would warrant the requested variance from the use provisions of the SP district. The MPO noted that there are a number of similar properties located in this square which are devoted to residential or limited office uses in accordance with the Zoning Regulations. The Municipal Planning Office reported that approval of this requested use variance would not be in keeping with the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and map. The Board so finds.

11. Advisory Neighborhood Commission 2B and the Dupont Circle Citizens Association opposed the application on the same grounds as given by the MPO report. They further noted that although the applicant is using but a small part of the first floor this was immaterial. The use was contrary to the Zoning Regulations and could establish a precedent. The Board concurs.

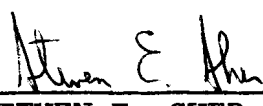
CONCLUSIONS OF LAW:

The applicant is seeking a variance from the use provisions which requires a showing of a undue hardship stemming from the property itself. As reported by the MPO the subject property is rectangular in shape and exhibits no unusual or unique physical properties or other unusual conditions. The Board concludes that there is no evidence to suggest that the owner of the property cannot make reasonable use of the property for a purpose permitted in the SP District. The Board concludes that there is no hardship arising from the property itself. It can be used in a manner consistent with the Zoning Regulations. The Board further concludes that the relief could not be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-1-0 (William F. McIntosh, Charles R. Norris and Theodore F. Mariani to deny, Chloethiel Woodard Smith to grant; Leonard L. McCants, not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 24 OCT 1978